

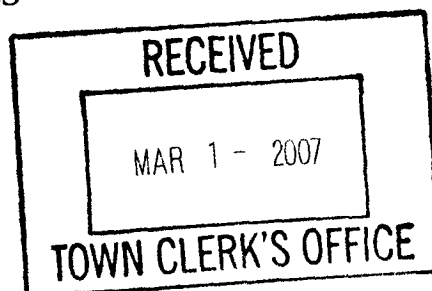
TOWN OF NEW WINDSOR

ZONING BOARD OF APPEALS

Regular Session

Date: FEBRUARY 26, 2007

AGENDA



7:30 p.m. – Roll Call

Motion to accept minutes of January 22, 2007 meeting as written.

PRELIMINARY MEETINGS:

1. **KATHLEEN MC DONALD (07-04)** Request for:

62,500 s.f. Minimum Lot Area (C-6)
8 ft. Side Yard Setback (F-6)
70 ft. Frontage (H-6)

for proposed creation of second lot at 336 Riley Road in an R-3 Zone (36-1-10)

2. **DEBORAH MENKENS (07-05)** Request for:

2 additional horses on property
35.1 ft. front yard setback 300-11 (A)

at 1 Sean Court in an R-1 Zone (52-1-79.1)

PUBLIC HEARINGS:

3. **JERRY'S SELF-STORAGE (SABINI) (07-03)** Request for:

2.31 acres Gross Minimum Lot Area
0.31 acres Net Minimum Lot Area
9 ft. Minimum Lot Width
26 Parking Spaces

375 Self-Storage Units at Toleman Road and Rt. 207 in an OLI Zone (29-1-92.2)

4. **LESLIE TOBACK (for Wellback Properties, Inc.) (07-02)** Request for one (1) additional freestanding 48 sq. ft. sign at 388 Blooming Grove Tpk. in an NC Zone (44-1-41.1)

(NEXT MEETING MARCH 12, 2007)

February 26, 2007

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TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
FEBRUARY 26, 2007

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
KIMBERLY GANN
KATHLEEN LOCEY
ERIC LUNDSTROM
PAT TORPEY

ALSO PRESENT: MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

MYRA MASON
ZONING BOARD SECRETARY

REGULAR_MEETING

MR. KANE: I'd like to call to order the February 26,
2007 meeting of the New Windsor Zoning Board.

APPROVAL_OF_MINUTES_DATED_JANUARY_22,_2007

MR. KANE: Motion to accept the minutes of January 22,
2007 as written?

MS. GANN: So moved.

MR. LUNDSTROM: Second it.

ROLL CALL

February 26, 2007

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MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

PRELIMINARY_MEETINGS:

KATHLEEN_MC_DONALD_(07-04)

MR. KANE: Request for 62,500 square foot minimum lot area, 8 ft. side yard setback and 70 foot frontage for proposed creation of second lot at 336 Riley Road.

Mr. Anthony Coppola and Mrs. and Mrs. David McDonald appeared before the board for this proposal.

MR. KANE: In the Town of New Windsor, we hold a two meeting format for the zoning board, one is a preliminary meeting that you can tell us what you want to do and we can get a good idea and if there's anymore information that we need we can tell you that and then you can provide that to us. All decisions by law in New York State with the zoning board are done in a public hearing and that would be the second meeting. So we would tell you what we need, get an idea of what you want to do and then in the public portion of the meeting that's when we decide whether it's yes or no.

MR. LUNDSTROM: Mr. Chairman, if I may, may I ask the three people that are appearing before the board tonight to identify themselves and how they relate to the applicant?

MR. COPPOLA: Sure, my name is Anthony Coppola, I'm the architect who's prepared the plans. This is Dave McDonald and Kathy McDonald, they are the owners of the land that we're going to explain to you.

MR. LUNDSTROM: Okay, thank you.

MR. KANE: Tell us exactly what you want to do.

MR. COPPOLA: Thank you, Mr. Chairman. What we're here proposing to do is basically to develop an existing, we have an existing parcel between Riley Road and

Hellinton, we're proposing to put a new single-family house on this existing parcel. There's two parcels that we're showing on our plan here on the site plan and basically the front parcel is on Riley Road, right now that's improved, that has an existing single-family house and a two car garage and Dave McDonald owns, has owned that parcel for the past 24 years, primary house. There's a second parcel behind this which fronts on Hellinton which that portion is an unimproved road, in other words, it's I guess you would call it a paper street and basically what we're proposing is the construction of one new single family home on this second lot and it would be basically using a new proposed driveway. We have already created an easement over the front parcel so we have created a new 12 foot driveway and will access this new single-family house basically from Riley Road because Hillington is not improved. So we're asking for variances for lot size and setbacks which we have noted on our application. What we're proposing to do is basically a one and a half story Cape Cod style house that would be 40 foot by 28 foot deep and a two car garage attached to that. We'd get our utilities from Hillington, water and sewer is available I believe at that point and most of our setbacks deal with they're all shown on the drawings there, there are two side yards, I think one of the side yards we're short on it's 40 feet and we're proposing 32 feet, the size of the lots, the front lot is a half an acre that's a pre-existing non-conforming lot and this back parcel is .4 of an acre or 4/10 of an acre and that's also a pre-existing non-conforming lot as well as the distance, the 100 foot wide, basically the lot is 100, the rear lot or lot number 2 is a 100 foot wide by 175 foot deep so those are also pre-existing non-conforming so this lot was created years and years ago, over 20 years ago. It's not a new lot, it's in two different, both of these lots are two different names so it's not the same owner of record so it's not, it's definitely not, we're not trying to create a new lot, this lot is existing, it's been there

for quite some time.

MR. KANE: Taxes paid separately?

MR. COPPOLA: Exactly, we've pay taxes separately for years, we're proposing to improve the lot with a new single-family house.

MR. KANE: Can you show me on either side of that where the homes are on either side of that lot?

MR. COPPOLA: On Riley Road I believe there are homes on each side of you right now.

MR. MC DONALD: That's correct.

MR. COPPOLA: I'm indicating they would be basically the same, I think the lots are approximately the same size as the front lot, probably a half acre.

MR. BABCOCK: Actually, the lot towards 207 is quite a bit wider, the front lots 125, Anthony, the lot towards 207 is 175 and the other lot on the opposite side is 100 feet and the houses are about center, all the houses going up through there.

MR. TORPEY: Even on Hillington they're all the same size lots?

MR. BABCOCK: Yes.

MR. KANE: Let the record show that the home you're proposing to build is shade over 1,700 square feet so it's really not a large home.

MR. COPPOLA: No, it's not a large home, basically, it would be one and a half story Cape Cod style house.

MR. BABCOCK: Just for the record also the lot is 17,500 square feet when this lot was created and before

the latest zoning ordinance the lot criteria here that was 15,000 square feet with water and sewer so they would have met that so the lot size is only because of the new zoning.

MS. LOCEY: Lot number 2 has a different owner?

MR. COPPOLA: Yes.

MS. LOCEY: Yet the McDonalds are proposing to put a house on it?

MR. COPPOLA: Yes.

MS. LOCEY: So they're in contract to purchase?

MR. COPPOLA: No, you can explain.

MR. MC DONALD: It's in Kathy's name the back lot, front lot's in my name, we're proposing to build a house for her mother.

MR. KANE: How many years has it been in each one of your names the front lot and the back lot?

MR. MC DONALD: Just turned it over recently, correct, both lots have been in my name for the 24 years but recently the back lot went to Kathy and it was for the purpose of her mother for the Cape Cod. She currently resides in Clintondale and she's getting up in years, we want to bring her closer, it's about a 30 minute trip so we want to bring her closer.

MR. TORPEY: That's very nice.

MR. KANE: Will you be cutting down any substantial vegetation and trees in the building of the new home?

MR. COPPOLA: I think you'll probably lose about half of what's there by the time you put in the driveway,

the house, the garage and make your utility connections but we'd leave everything, we'll cut mostly around the perimeter.

MR. KANE: Create any water hazards or runoffs? How is the pitch on the land?

MR. MC DONALD: It's relatively level.

MR. COPPOLA: Yeah all that I believe we can mitigate, I don't think there's going to be any problem with runoff. It's going to be a small percentage of hard surface compared to the lot size like I said it's probably 15 or 17,000 square feet that sounds about right.

MR. LUNDSTROM: On the northern part of the parcel that fronts Riley Road are those new trees that you plan on planting?

MR. COPPOLA: Yes, they are, that we did leave and there's some proposed greenery there because there would be two driveways here, there's an existing driveway that serves the existing house and then five feet from the property line there's going to be basically a row of we'll do screening, some type of evergreen trees and then a 12 foot driveway adjacent to that and that falls within, there's already been an easement created for the purposes of both of that.

MS. LOCEY: So access is coming from Riley Road even though the front of this is on this paper road?

MR. COPPOLA: Right, even though there's frontage on Hillington.

MR. KANE: Are there any homes facing Hillington?

MR. COPPOLA: There's five on Hillington.

MR. MC DONALD: Correct, farther north I believe Hillington comes off Riley, then makes a 90 degree turn then runs parallel to Riley in a southerly direction and north to this lot I would say it could be as many as two north which are undeveloped, there's maybe four or five units back there but I really don't know the count, maybe Mike knows better.

MR. BABCOCK: I don't, they're not allowed to have more than 6 and they're at their capacity.

MR. KANE: That was going to be my question, you answered it.

MR. COPPOLA: You can see on our location map how Hillington runs around Riley, this proposal is kind of right in the middle of that U shape.

MR. KANE: And we have already discussed that it's on town water and sewer so we don't have to deal with septic or well.

MR. LUNDSTROM: On the diagram that you show there the existing driveway is the proposed driveway going to meet that? It looks like that's on your drawing.

MR. COPPOLA: Well, yeah, we'll have to do something there, probably cut a gap so that the two don't actually join, I don't think we'd want them to join but the existing driveway it does come all the way over there now, probably have a parking area.

MR. MC DONALD: Right, actually, it's like a parking area, the existing driveway comes straight back to the detached two car garage and then there's a fan out towards the north for a parking area. We would do away with that parking area and that would become part of the new driveway which would be more adjacent to the border with the northern neighbor.

MR. LUNDSTROM: Can I suggest for the public hearing that you make that change on the drawing so that it's not an open question?

MR. COPPOLA: Sure.

MR. KANE: Any further questions from the board? I will accept a motion.

MR. LUNDSTROM: I will move that the application of Kathleen McDonald request for the variance as stated on the agenda be allowed to proceed to public hearing.

MR. TORPEY: I'll second that.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

DEBORAH_MENKENS_(07-05)

MR. KANE: Request for two additional horses on property, 35.1 foot front yard setback at 1 Sean Court.

Mr. and Mrs. Menkens appeared before the board for this proposal.

MR. KANE: Just give your name and address,

MRS. MENKENS: Deborah Menkens, 1 Sean Court, Rock Tavern.

MR. MENKENS: Lawrence Menkens, 1 Sean Court.

MR. LUNDSTROM: Your relationship to Deborah?

MR. MENKENS: Husband.

MS. LOCEY: Let the record be known that I am personally acquainted with Mr. Menkens, we grew up in the Town of Woodbury and he's a police officer there and was so when I was the Town Clerk there.

MR. KANE: Do you have any intention of making that a problem?

MS. LOCEY: No.

MRS. MENKENS: I'd like to bring Gallo and Georgio back home to 1 Sean Court.

MR. LUNDSTROM: For the record, the two names you gave us are those people or what?

MRS. MENKENS: Horses.

MR. LUNDSTROM: Just again for the record we need to know.

MRS. MENKENS: Georgio is a quarter horse and Gallo is a Friesian and currently at Holly Bush Farms in Salisbury Mills.

MR. KANE: And the 35.1 foot front yard setback is for?

MR. MENKENS: For a shed, a storage shed.

MS. GANN: How many horses do you have currently on the property?

MRS. MENKENS: Two.

MR. LUNDSTROM: So basically you're asking for is to increase the number of horses from two to four?

MRS. MENKENS: Yes.

MR. KANE: Okay and right now you're looking at a shade over 4 acres?

MRS. MENKENS: 4.159.

MR. KANE: Okay, my understanding with the horses is normally you're looking at about two acres per horse so for the public hearing I would like for you to address as to why you think that that can go on a smaller piece of property and they would be viable.

MR. MENKENS: That would be for grazing where we have, we buy hay and we bring 'em in so as not, they don't have to graze, depend on grazing.

MRS. MENKENS: They receive grain twice a day and they have free-for-all for hay, so we don't depend on the grass to grow to subsidize their food.

MR. KANE: And the need of four horses instead of two is going to be for strictly family use?

MRS. MENKENS: Yes.

MR. MENKENS: Yes.

MRS. MENKENS: Currently two of us can only ride at one time when normally there's four of us that ride at one time.

MS. GANN: This blue ribbon award is for the record what was the purpose of you putting it in here?

MRS. MENKENS: That's a certification from New York State that I received for best practices for managing the stable, there's certain standards I need to meet and continue working on in order to keep my certification for New York State hobby horse. There's more information in the back, the certification process.

MR. LUNDSTROM: You mentioned to this board that you want to increase the number of horses to four so your entire family can ride, does that mean you've got two children or how many children do you have?

MRS. MENKENS: I have two sons and my husband and myself.

MR. LUNDSTROM: So there's only four people in the family then?

MRS. MENKENS: Four living in the house, yes.

MR. KANE: And the shed you're proposing to put in front of the main building?

MR. MENKENS: The shed's there already, I put that up a few years ago.

MR. KANE: In front of the main house in the front yard?

MR. MENKENS: No, behind the house 35 feet off the private road.

MR. KANE: Mike, that 35.1 front yard setback is because it's on a corner lot with two roads? If it's behind the house--I'm not understanding why we need a front yard setback.

MRS. MENKENS: This is the shed we're talking about right now, this is our house.

MR. KANE: So it is in front of your house, projects closer to the road than your home?

MRS. MENKENS: Right.

MR. KANE: So you've got two front yards in New York State, that answers my question. With this road over here, Sean Court, that's considered in New York State that's a front yard and this is also a front yard, I just wanted to clarify why I was seeing front yard and you said it was behind, I wanted to make sure that's why it's there because it's on the side. Okay.

MR. LUNDSTROM: One question if I may. The character of the community of the neighborhood that you live in, what would you say is predominantly the character of the community?

MRS. MENKENS: Agricultural.

MR. LUNDSTROM: Mostly farmland, horses, agricultural, animals, pigs?

MRS. MENKENS: Not pigs. Horses, cows, chickens.

MR. LUNDSTROM: The neighborhood is predominantly horse farms?

MRS. MENKENS: Talking about Sean Court or the community?

MR. LUNDSTROM: The community?

MRS. MENKENS: Has horses, chickens and cows in the community.

MR. LUNDSTROM: About how many chickens, cows and horses would you say are within a mile of your home?

MR. MENKENS: Never took a count, never paid attention.

MR. LUNDSTROM: The board would find that interesting at the public hearing.

MRS. MENKENS: Excuse me?

MR. LUNDSTROM: I think this board would find that interesting information.

MRS. MENKENS: At the public hearing that kind of information will be provided.

MR. KANE: That's all we're asking.

MR. LUNDSTROM: What about residential, is there any residents in that neighborhood?

MR. MENKENS: Yes.

MRS. MENKENS: Yes, we're on a private street and we have four houses.

MR. LUNDSTROM: Other than the four houses you're saying the rest of the community is predominantly farms?

MRS. MENKENS: Agricultural.

MR. MENKENS: There's residences all the way around us.

MRS. MENKENS: Toleman Road is residents, to the right of me is horse farm, to the left of me there's chickens, in the back of Toleman Road behind the homes there's a cow farm.

MR. LUNDSTROM: Now again for the record to the right of you and to the left of you, where would that be, north, south, east and west?

MRS. MENKENS: To the south.

MR. MENKENS: Horses would be south.

MRS. MENKENS: West would be the cows. I also know to the north there's more horses then also I have Stewart buffer lands.

MR. LUNDSTROM: And the horses and cows and chickens are on the Stewart buffer land?

MRS. MENKENS: No, they're in the community.

MR. LUNDSTROM: Just trying to clarify the situation. You were saying that there are other horse farms in the area, how many horses are there in each farm?

MR. MENKENS: Don't know, don't pay attention to that.

MRS. MENKENS: If the other horse farm, if the owners choose come to the public meeting, they can verify how many horses they have.

MR. TORPEY: What he's trying to say will you fit in like how many houses down is the next set of fences?

MRS. MENKENS: Within 500 feet.

MR. TORPEY: What kind of property do they have?

MRS. MENKENS: They have 23 1/2 acres.

MR. KANE: One other thing to point out too that you realize that this is where the shed is right right there and you know that's on an AT&T easement?

MR. MENKENS: Yes.

MR. KANE: Have you had any complaints formally or informally about the shed?

MR. MENKENS: No.

MS. GANN: I have a question about the four horses, in your professional opinion because you obviously are in this profession, you know a lot about horses, would you say that there's enough room in the area for the four horses to roam, exercise and graze all in this area?

MRS. MENKENS: They don't graze.

MR. MENKENS: Yes, there's enough room for quarter horses.

MS. GANN: For exercise?

MRS. MENKENS: Yes, we have a riding arena and we have a round pen.

MS. GANN: How large is that?

MRS. MENKENS: The arena is 70 x 130 and the round pen is 60 foot round.

MR. LUNDSTROM: And you're saying the arena, is that, the horses are only going to be used for your personal family?

MR. MENKENS: Yes.

MRS. MENKENS: The arena, yes.

MR. LUNDSTROM: If you were to get the four horses, the four horses would only be used for your personal use?

MRS. MENKENS: Our personal use.

MR. TORPEY: You don't ride those horses there, you can go--

MR. MENKENS: We can trailer them wherever, we don't have to--

MRS. MENKENS: On the exterior of the fence my intention is to do a horse trail so we can trail around there, there's access to get to the buffer zones on Stewart and go on there.

MR. TORPEY: You can go down the road to 207.

MRS. MENKENS: Yes, we can go the back way because the farm next to us they have a path that goes to the buffer zone.

MR. TORPEY: Stewart?

MRS. MENKENS: Yes.

MR. LUNDSTROM: I'm not sure if it was clear before, one of the things I would find very helpful in reaching a decision at the public hearing is basically I guess a list of neighboring properties, the size of each property and how many and what types of animals they have on it as well as the neighboring properties that are residential.

MRS. MENKENS: Will that be my responsibility to research that?

MR. LUNDSTROM: Going to have to, yes.

MR. KANE: Any other questions from the board at this time?

MS. LOCEY: There's already an existing shed or something that you said is on an easement?

MR. KANE: Yes.

MS. LOCEY: So the proposal is to change the location of that?

MR. MENKENS: No, to leave it where it is.

MS. LOCEY: Whose easement is it?

MR. KANE: AT&T.

MR. KRIEGER: Maybe--

MS. LOCEY: Are they underground utilities?

MR. KRIEGER: Maybe it would be helpful cause the chairman asked me a question I think it would be helpful to the other members of the board whether the Zoning Board of Appeals was in power to grant a variance for something that's on an easement. The answer to that question is yes but the Zoning Board of Appeals has no power to effect that easement so, in other words, if I don't know what the easement provides but some easements provide for underground maintenance, if they have to come in and move what's there in order to get access, they can do it and they're under no obligation to replace what they remove. In this case of course that would render, that would eliminate the shed and would have an impact on the horses.

MR. MENKENS: The shed is a movable shed and dropped off a truck.

MS. LOCEY: So is the easement for the existing shed or you want to put a second one up?

MR. MENKENS: No, the shed is there.

MS. LOCEY: So you're just trying to now comply by getting a variance for something that's already there?

MR. MENKENS: Yes.

MR. KANE: To be perfectly honest up front, I have a little bit of an issue putting it where the easement is, if the shed is movable, I don't have a problem with the two front yards but on the easement I do, I just tend to stay away from this a little bit.

MR. MENKENS: We spoke to AT&T and they said just as long as they can remove it when they come in.

MR. KANE: For that, that would be something I'd like to see some kind of writing that AT&T doesn't have a problem, you have an agreement if they came in it would be--

MR. KRIEGER: Do you want to see the easement itself? Do you want me to look at the easement itself?

MR. KANE: That would be good.

MR. KRIEGER: Its terms will be contained within the document.

MR. LUNDSTROM: Can I ask the applicant if he'd put that chart up on the flip chart and show the rest of the board what the conversations have been? If you would just go over that?

MR. KANE: If you follow the T down from the stable in the gray area and see that black box that's the shed,

the easement it's dead center in the easement that runs straight up the property.

MR. MENKENS: I wouldn't say dead center.

MR. KANE: From the pictures.

MR. LUNDSTROM: The T that we see, what does the T represent?

MR. MENKENS: This is the easement for AT&T.

MS. GANN: The gray T?

MRS. MENKENS: That's the gravel path to the stable.

MR. LUNDSTROM: Just so that we align ourselves properly, the gray box to the left represents what?

MR. MENKENS: Our residence.

MRS. MENKENS: This is the house, this is where we're 75 feet off the property line, this is the electric fence this gray part goes around and this is a boxed off area, this is my drawing I've been playing around with it.

MR. LUNDSTROM: Now, you have an electric fence on the property also?

MRS. MENKENS: Yes, I have a permit for that, the animals are maintained 75 feet.

MR. LUNDSTROM: The gray area is just a fenced off area?

MRS. MENKENS: Yes, that's fenced off.

MR. LUNDSTROM: Then your residence is where?

MR. MENKENS: There.

MR. LUNDSTROM: Just for orientation, where is Riley Road, I'm sorry, Toleman Road?

MR. MENKENS: Right here.

MS. LOCEY: The house faces Toleman?

MR. LUNDSTROM: And the intersecting road is Sean Road?

MR. MENKENS: Sean Court.

MS. LOCEY: Which is a private road?

MR. MENKENS: Yes.

MR. LUNDSTROM: The item in the upper right-hand corner in yellow is what?

MRS. MENKENS: This is just a sketch of mine that I have been playing with, this is not the actual, that's the round pen but that's, if I had known I was going to show you the plan, Mike, do you have the plan, the new one?

MR. BABCOCK: No, this is the only one I have.

MR. LUNDSTROM: That's not a problem.

MRS. MENKENS: This is just something I'm playing with.

MR. KANE: For the public hearing just have something that's more exactly what it's supposed to be. I can't think of anything else. Just from the last time that we went through this and remembering the public portion of the meeting, you might want to be ready to address the, I'm trying to remember this, the fly situation, the drainage, the storm water, be ready to address all of that.

MRS. MENKENS: The flies, the smell, mosquitoes, horses, traffic, the property value.

MR. KANE: Right, you remember.

MS. LOCEY: The zoning law requires what is it two acres per horse?

MR. KANE: No, that's not the zoning law.

MRS. MENKENS: New York State Zoning Law is one horse per acre as long as I don't depend on the pastures to feed the horses. If I supplement their food then I can have one per acre.

MR. KANE: That's according to New York State Law, towns can make that more restrictive, not less restrictive.

MR. TORPEY: But you want four?

MRS. MENKENS: Four.

MR. KANE: Any other questions from the board at this time? I will accept a motion for a public hearing.

MS. LOCEY: I will offer the motion to schedule a public hearing on the application of Deborah Menkens for requested variances as listed on the February 26, 2007 agenda for the New Windsor Zoning Board of Appeals all at 1 Sean Court in an R-1 zone.

MS. GANN: I'll second the motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE

February 26, 2007

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MR. TORPEY
MR. KANE

AYE
AYE

PUBLIC_HEARINGS:

JERRY'S_SELF-STORAGE_(SABINI)_(07-03)

Gerald Zimmerman appeared before the board for this proposal.

MR. KANE: Request for 2.31 acres gross minimum lot area, 0.31 acres net minimum lot area, 9 foot minimum lot width and 26 parking spaces at Toleman Road in an OLI zone. I'd ask if there's anybody in the audience for this particular hearing? If you are, we're just going to send a paper out just for your name and address for the young lady over there. When the public portion starts, I'll let you know. Okay, sir, tell us what you want to do, speak loudly so everybody can hear you.

MR. ZIMMERMAN: My name is Gerry Zimmerman representing the applicant for this project. And the proposal is to build a self-storage, single building self-storage units. The proposed building size is 200 feet by 80 feet and it's intended to be a four story building for a total of 64,000 square feet of storage. The property is located on Toleman Road, the intersection with 207, Route 207 and the land area of the lot is 2.69 acres. The variances that are necessary for this proposal, this lot is an existing single lot and the zoning requires for self-storage units in this district the minimum gross lot area needs to be five acres and we're proposing 2.69 acres, that's what the existing lot area is. Additionally, the zoning requires a minimum lot area of 3 acres and present lot is providing 2.49 acres, again, this is an existing lot. Additionally, the variance, we also require a variance for lot width in this zone, what's required is 200 feet and the existing lot is 9 feet short of that requirement, 191 feet. And the fourth variance that's requested is for parking. The zoning requires for 375 units 38 spaces and we're proposing 12 spaces, parking spaces on the

site. So those are the four variances that are being requested. And if I may in that regard, you know, the lot is already an existing lot and as a result of that we cannot achieve meeting the zoning requirements because there's no other land area to be had and we have to deal with the lot that we have at hand. Additionally, the use that's proposed we feel is consistent or in conformity with the surrounding neighborhood, the adjoining property to this to the north of this property there already exists a self-storage facility so we feel that this proposal is in conformity with the neighborhood. Again, the variances were not self-created and we feel that the requirements are not substantial in terms of what the requirements are. The parking, you know, number wise may be however for this type of use historically minimal parking is required, we know that the adjoining property has a similar number of parking spaces that we're proposing and other self-storage facilities in the area also have the need for a smaller number of parking spaces, so I believe 12 parking spaces would be sufficient for this proposal. We also feel that this proposal would not be, have an adverse affect on the health, safety and welfare of the area. It's a self-enclosed, self-contained building, access to all of the units would come into the building so there shouldn't be a situation where things are, you know, access from all different portions so we feel that we'd like for the board to consider granting this variance.

MR. LUNDSTROM: Mr. Chairman, one question, you mentioned that to the north of this proposed building there's another self-storage area?

MR. ZIMMERMAN: Yes.

MR. LUNDSTROM: How many stories is that? You're talking about four story storage here.

MR. ZIMMERMAN: Yeah, the property to the north that

particular facility is a series of single story self-storage units, they're kind of the typical, typical ones that you see throughout the area. They're single story in long rows and that's what you have adjoining this property.

MR. TORPEY: But they're set far off to the corner by the road?

MR. ZIMMERMAN: Correct.

MR. TORPEY: They're not in towards the development, the one on the north?

MR. ZIMMERMAN: Yeah, I guess they're contained within the, I don't have that particular site plan with me tonight but I guess those units are set back just what the zoning requires.

MR. TORPEY: They're up by the highway.

MR. KANE: Cutting down any trees, substantial vegetation in the building of this?

MR. ZIMMERMAN: The existing site there's grass but there are no trees on the site.

MR. KANE: Will you be creating any water hazards or runoff problems with the building of the storage unit?

MR. ZIMMERMAN: The proposal calls for, we're proposing to install storm drainage facilities to control the drainage on the site. Additionally, there's an existing culvert that crosses Toleman Road and the drainage for that runs off onto an adjoining property and our proposal is to pick that up and create a swale along our property and bring that away from that so that should improve that condition.

MR. LUNDSTROM: Once this building and the parking lot

is put in, what percentage of that land would now become impervious to rain water?

MR. ZIMMERMAN: It's 44.6 percent, the zoning is 85 percent, you're allowed to go to, we're showing 45 percent.

MR. LUNDSTROM: That's the parking lot and the building?

MR. ZIMMERMAN: Correct. Also, if I may, we're proposing one of our other sheets the drawings is to create landscaping on this site, landscaping and lighting plan which--

MR. KANE: Can you address the lighting?

MR. ZIMMERMAN: Yes, the landscaping and lighting plan that we have what we're proposing for the residential property to the south we're proposing to install six to eight foot tall Doug firs and blue spruce trees along that property line and other landscaping on the site as well and as far as lighting we're proposing to have lighting on the building and two pole mounted lights towards the front. We show, you know, isolux curves and we're looking to keep the lighting concentrated on the site with minimal spilloff to any of the adjoining properties.

MR. KANE: To the home down to the south?

MR. ZIMMERMAN: Yes.

MR. KANE: Does the dotted areas that are in there, is that the range of the lights?

MR. ZIMMERMAN: Yeah, that represents the .50, 0.5 foot candle intensity of that particular light and we did discuss that with the planning board at the workshop meeting, this was a recommendation from the planning

board engineer.

MR. KANE: Okay, at this point, I think what I want to do is open it up to the public and hear what the neighbors have to say. Please state your name and address, speak clearly.

MR. EICH: My name is William Eich, I own the first house next to the proposed building he's going to put up. I have a very expensive home, half a million dollar home there, I have been there since 1989, I purchased the property from Lester Clark, the home. The land that he's apparently talking about and asking about trees and all that, they removed all the trees, it was always all wetlands, I don't know if there's an environmental thing taken on this property yet. To me, it's going to be a great injustice for my privacy having a four story building there. I will have lights, he's talking putting big pole lights up and everything there, what they're telling you is that there's combination locks to these places with a fenced in place where people can come in at all times. I worry about the safety part of it from all different people coming in there using these storage facilities. I already had one part of damage happen to my property as far as flooding due to Hank VanLeeuwen and Lester Clark that all the fill that was over at the Home Depot was brought over and dumped, hundreds of truck loads of fill right next to my property line where they're going to build this storage shed just on the other side now, on the other side of it within 30 feet. And the fill when they got done was 30 feet high. When I bought my home, I was able to look out, my home faces Route 207, I mean Toleman Road, I have a 2 acre lot and I used to be able to look right out, real nice out to 207 but now since this dumping went on with Hank VanLeeuwen filling all the stuff in I can't even look out, I've got a contemporary home, my second floor window I can't even look out to Route 207 no more because of the dumping that went on. I'm getting water damage coming down

now, on his property here they put culverts in already coming across the road coming off the hill down off Toleman Road coming onto his proposed site which is going to run along the back of the hill which is only about maybe 400 feet back on that big pile of mound that they got there and all this water's coming back behind my property and his property the gentleman behind me.

MR. KANE: Is that water draining off the property that we're talking about?

MR. EICH: Yes, yes, it is. I just can't think of everything, I had a whole lot--oh, the tarps, this parking facility they make it sound real good. Well, we'd like to have 25 parking spaces, you go down on the corner on 207 where the storage places are here they got boats covered up with blue canvases, dump trucks, these things, are these parking spots for cars and the size of them, what size are these parking places? I don't want to live next to a junk yard where they're charging people to pay for storage keeping their boats, RV vans there and everything, that's what's happened now, they got eight spots on the corner of Toleman Road on one side and I think 12 or 13 spots on the other side, this was apparently was supposed to be built for indoor storage, the corner spots, but not, we got all this junk on the corner and I didn't spend a half million dollars to be looking at junk. Thank you.

MR. KANE: Thank you. Next?

MS. LORRAINE: Debbie Lorraine, 515 Toleman Road. It's become an eyesore down there. He speaks of landscaping but I don't even think that they fulfilled the first plan of landscaping that they were supposed to do down there. And I--

MR. KANE: It's not the same people.

MS. LORRAINE: I didn't know that, I'm sorry.

MR. KANE: Just letting you know.

MS. LORRAINE: I know there's been a lot of water problems in the area, I recently I had a real estate agent come into my home and said already with this on the corner it already lessens the value of my home. Now if you're talking about four stories, this is huge here and you're talking about right across from people's homes like he said that are half a million dollar homes and it's become a dumping ground, there's rusted out cars, we have complained many times to Town of New Windsor several times and all they do is throw old license plates onto these rusted out cars, these cars that are up for sale that are laying there, the boats with tarps that blow off them, it's an eyesore and I don't think anything else should be allowed on that property.

MR. LUNDSTROM: Mr. Chairman, if I may, the two people that have spoken already I don't know what stage this is at in the planning board but if you attended a public hearing at the planning board.

MS. LORRAINE: This is the first notice I've gotten and in fact when the first one went up, I was never even notified.

MR. KANE: There's no public hearing if they didn't have to come in front of us because of whatever variances they needed we're mandated by law to hold a public hearing to grant the variance, the planning board is not mandated as far as I know to hold public hearings on it so--

MR. BABCOCK: Just so you know, the planning board is a different requirement, you know, the zoning board is everybody within 500 feet of this property, the planning board is adjoining neighbors, so this lot

would have gotten a notice.

MR. KANE: But not the gentleman behind.

MR. BABCOCK: For the first one on Toleman Road.

MR. EATON: My name is Ron Eaton, 530 Toleman Road. I guess the concerns I have are actually quite a few. Firstly, some drainage lines have already been dropped into that area from what I can see pipes went in there last year. Since the expansion of the original facility which may have been under another owner, we, when we moved in in 1999, our property was not flooded out and that's evidenced by the fact that we had a sprinkler system on our property to allow the grass to grow. Now the back 2 1/2 acres of my 4 1/2 acre lot or 4 1/4 acre lot is totally mush year round, we can't even go in and cut some of the lawn without hand scything it and cutting it with smaller mowers because we get stuck. That's a direct result of the extension and the drains and runoff of the first expansion. Secondly, the corner is a dangerous corner to begin with, there's a lot of accidents, we turn around and expand this further we're going to have more accidents. In addition, the lights on the corner blind you at that corner, there are lights at the sign that say self-storage and at nighttime, you can't see any oncoming traffic because the flood lights hit you right in the eyes. It increases the traffic flow. We have already had one animal who wasn't even close to the road who got hit because people were speeding down there and they whip into this facility and I'm a tenant of that facility, just so you know. The people did a good job with what they have there, I'm not against the current one that's there but to turn around and put a four story facility in one will create light pollution for us, it will totally take out our sky that we can even see at night because we're going to have a four story structure that we're going to have coming into the side of our house with light that will be open

24-7. As far as landscaping, you can't hide it even if you put up eight foot trees if you're going four stories up you're going at least 40 feet in the air, those trees aren't going to do anything. Okay, the flooding caused by that is killing, I had hundreds of trees on my property, I've lost almost 15 trees in the last year because of the amount of water coming into the back of my land. When the Town of New Windsor came up to look at my property, they made a comment about well, you've got water seeping out, we were trying to fix a drainage area that had gotten so bad the land had turned to muck and I got threatened with a fine because I was trying to fix what was being caused by runoff from the other property. And it was causing more pressure on the underground so that other areas of drainage were coming up and percolating up into my land. This facility will ruin the value of my property completely. That's the first thing. We raised the road which has now caused flooding into my house. I've had to put a Best-Dry (phonetic) system in, the road's been changed again, so even more water comes in and we had water pouring through our house walls which we've had to fix. The raising of the road to allow these kind of additional facilities has also been put at such a slope we can't even get a suburban up a slope. In addition, the town expanded that road out by over a foot and a half onto our land and took away the natural culvert that was there so now I have tarmac going right up into my post office box and I've lost a, I believe it was a circumference of the tree was 7 1/2 feet oak that died because of this roadwork and it almost hit my house. Now we're being asked to give an easement on a property that's too small for what it's doing and we're going to go up four stories high. So all I want to say is the problem with this is one it's going to increase traffic which is dangerous, it's going to increase flooding which will ruin not just his and my property but that water if you go back into the woods, you used to be able to walk in the woods, the woods now is a pond, we're creating a flood zone, if we're not careful

and there have been new houses built down the road from us that are back into that woods that were approved by the town so we're going to be pushing into their system and they don't have the drainage systems and the underground sump pump systems, they have french drains on those houses and you're going to have those people with flooded houses. So I really am quite against this, not because I don't want the business to do well, but solely because it's going to continue to damage the environment, that area and take away from our value of our property and we have to comply with the guidelines of the town as well.

MR. KANE: Thank you. Next? Anybody else? Okay, what I would like you to do is address a couple of the concerns that they brought up.

MR. ZIMMERMAN: Okay, as far as he submitted photographs which you have which show the condition of the site, I don't know that it is necessarily a wet area, as you can see from the photographs, additionally that the site slopes away from Toleman Road, so the only property that's behind this property is vacant land and I don't see how even the existing condition drainage from this property runs towards the rear of the property, not towards, you know, Mr. Eich or Mr. Eaton, you know, it's not directly going to their property at all, it's going to a vacant lot which is a large vacant lot which is behind the proposed lot, proposed property.

MR. KANE: Isn't that creating a water hazard or a runoff?

MR. ZIMMERMAN: No, I'm just saying the existing condition is that, you know, it's not running towards their property. As far as the development for the, for what's being proposed here for the development is to capture and contain the drainage that will be created from the, from our proposal, put that into a storm

water collection system and put that into a retention pond which will be built at the rear of the property. Now, this will be worked out as we go through the planning process but the impacts as a result of the proposal is intended to quote unquote have a net increase in runoff from this site to match what's currently there now. This will be your requirement and is a requirement of the planning board and when we're back, you know, if we get back to the planning board with this that will be addressed. As far as the landscaping and lighting, we believe that the proposal that we have by planting and installing vegetation and trees will not cause an adverse impact to the adjoining property owners. I have presented the curves, the lighting curves on the plan, we have reviewed that with planning board's consulting engineer so they have looked at that. We're proposing landscaping, we're proposing that this building is not, the type of building is going to be different than what currently exists to the north. We have a series of storage buildings, I don't know how many there are there where this is going to be a self-contained single building, it's four stories in height, however, because of the topography, it will be listed as we show 35 foot that will be the average grade that we'll be seeing from Toleman Road and from the people to the side that adjoin this property on the sides, just as you can imagine the ground slopes off so you'll have three stories in front that you will see from Toleman Road and at the rear of the building you'll see the four stories. But as you're going along the building, it will increase from three to the four feet because the ground line will drop off. I think, I hope that that addresses comments that were made. I think that we have to get into the engineering and address the issues, lighting, landscaping, drainage, all of this we typically do with the planning board and we have started doing that process at the present time.

MR. TORPEY: Do you know how much fill was put in

there?

MR. ZIMMERMAN: I don't know how much fill was put in but the topography shown on the plan and the photographs that we have given--

MR. TORPEY: So you haven't done a grade height or anything or checked what the existing grade was and what the grade is now?

MR. ZIMMERMAN: Well, this topography that's on the plan now is what the existing grade is.

MR. TORPEY: What about before they put the fill in?

MR. ZIMMERMAN: I don't know, I mean, I don't doubt what the gentleman is saying that fill may have been brought there, I mean, this, all I can show is what the current condition is, I don't have, I wasn't at the property prior to my involvement here.

MR. KANE: At this point, I'm just going to close the public portion unless you have, I'm not going to allow debates but another question?

MR. EATON: One thing I just want to point out you didn't address all the issues.

MR. LUNDSTROM: Give your name again.

MR. EATON: Ron Eaton, 530 Toleman. I raised the issue of the traffic and the danger of the corner which is the ingress egress of the facility that has not been addressed, I don't think any plan's been studied as to how that will impact that corner. But I think if you check with the New Windsor Police you'll find on that corner and on that bend there are a tremendous number of accidents already and there have been fatal ones there, you go down the road, you'll see the little crosses all the way down the road and it's right in the

that area and part of that is you can't see that light and that sign are the problems.

MR. KANE: Thank you. You had one more?

MR. EICH: Just the last thing.

MR. LUNDSTROM: Again, sir, your name please?

MR. EICH: Bill Eich, 538 Toleman Road. The retention pond that he's going to build in the back, nobody brought up the AT&T power line that's running behind it so I cannot see where there's a place for him to build on that property a pond, intercontinental line, AT&T where you had a discussion with the gentleman with the horse farm, I live four houses from the gentleman that had the horse farm.

MR. KANE: Seems to be right on the end of their area.

MR. EICH: If you're going to build a retention pond which the storage said they were going to do build someone that didn't know the land, if you put a transit on it from 207 runs right straight down on an angle, anything coming into that water coming to that property comes right down the whole field, there's 100 acres behind the property that he's dealing with that Lester Clark owns but that area where they're going to build on now was solid muck and normally I'm into building a little bit whatever had to be built on, every bit of muck would have to be removed to get down to hard clay. So we're dealing with a big, big thing going on here as far as that environmental thing. I'm worried about my septic system, I already have problems with the water coming into my house, I had insurance companies come in twice, water damage come in through my wall because all that pile of dirt I spoke to you earlier about and caused me a great expense, an insurance company turns around and says well, we don't cover that so--

MR. KANE: Thank you. Anybody else with a last statement? I'll close the public portion of the meeting and ask Myra how many mailings we had.

MS. MASON: On February 13, I mailed out 17 notices, had one response.

MR. KANE: We have one response which I will read into the record. I'm not going to say the name cause I can't read it, it's handwritten. I just returned from a trip and opened the notice to the above-mentioned hearing today. I am unable to attend this hearing this evening but I ask you to please copy this letter to board members tonight, as we discussed. I am the managing member of Stow-Away Self-Storage, owner of Section 29, 19, 1,2 Stow-Away purchased Safety Storage in 2001 from Jerry Sabini. I'd like to inform you that there is a deed restriction on the subject property of appeal number 0703, as well as any remaining lands of Rock Tavern Village, LLC. I have been asked by the applicant, Jerry Sabini, to release this restriction and I've informed him it was not in my business interest to do so. In light of this, I see no reason for continuing with this hearing, the appeal or approving it. Any comments, and he leaves a phone number. No, I'm not sure of the name, I really can't read it, it's a hand signature. But this is a letter from the current guy which really for us I think that's more of a civil matter.

MR. KRIEGER: The existence of a deed restriction if in fact it exists is and of course this fax doesn't establish that nor does it establish its terms or establish who it is enforceable by, deed restrictions are not laws, it's basically a question which is independent of any action this board takes, if this board were to grant a variance and I'm not suggesting that they should or should not but I'm just giving you--

MR. KANE: We always talk in the affirmative.

MR. KRIEGER: If they were to grant a variance, it would not have any affect whatsoever on the deed restriction. If there is a deed restriction in place and if it's enforceable, the applicant may have some difficulty but even with a variance building on that property, maybe he doesn't, I don't know. But the fact of the matter is it doesn't lie within the power, legal power of this board to deny a variance because of the existence of deed restriction or to effect that deed restriction in any way, even if they were to grant the variance it doesn't release the deed restriction.

MR. KANE: Thank you, Andy. Okay, I'll ask any further questions.

MS. LOCEY: Well, I have a question on the application to come before the zoning board of appeals, there's an attachment and the very first one says minimum lot area gross five acres and proposed 2.69 and then the minimum lot area net required 3 acres and proposed 2.69. How can the net and gross be the same?

MR. BABCOCK: Well, the net and the gross is the total that's there now, the gross area's required to be five acres, what he's saying in his net area, okay, the requirements are 3 acres because of the subtraction of all the easements whatever he's subtracted out of that and it comes to 2.6, 2.49 acres.

MS. LOCEY: Is the difference between the gross area and the net area is what, unbuildable land or--

MR. BABCOCK: No, it's not countable land as far as gross area.

MR. KANE: Can't count the easements. So when you're figuring out the square footage of a lot per se, you would take that out.

MS. LOCEY: I thought it was with or without the building.

MR. BABCOCK: No, it's just the easements and I'm not sure what gets subtracted.

MR. ZIMMERMAN: Well, in this case, it's just the easements.

MR. KANE: Any further questions?

MR. LUNDSTROM: Mr. Chairman, may I direct my question to the building inspector? Is there a height requirement in that zone?

MR. BABCOCK: Yes, the height requirement is 50 feet maximum.

MR. KANE: And the four stories are?

MR. BABCOCK: Fifty feet.

MR. LUNDSTROM: What might the maximum height of a single family dwelling be?

MR. BABCOCK: The maximum height in a residential zone is 35 feet.

MR. LUNDSTROM: So what you're saying the height of this would be the maximum height of a single family dwelling?

MR. KANE: In all honesty, the height is really not an issue for us.

MR. BABCOCK: Yeah, around this property where this line is the OLI zone and where the R-1 zone starts in the R-1 zone it's 35 feet, you can build a house 35 feet high.

MR. KANE: Any other questions? Accept a motion.

MS. LOCEY: I still, I don't know that I have questions but I would like further discussion before we go to a vote. Could the attorney explain to me since this applicant is now in front of both the zoning board of appeals and the planning board and a lot of issues were raised here tonight and I'm not sure if they should be addressed here at the zoning board or if they're planning board issues so what criteria are we to consider when we contemplate this decision?

MR. KRIEGER: All right, as a general rule for guideline purposes when an application is subject to both zoning board of appeals approval and planning board approval, the zoning board of appeals determines if it will be allowed, the planning board determines once it's allowed how it will be constructed. So with respect to lighting, for instance, if the building is allowed then the planning board will make a determination as to exactly in detail what kind of lighting will be permitted but they're going to have to allow some kind of lighting because the zoning board of appeals said yes. If the zoning board of appeals says no, they don't ever reach that question, doesn't go back in front of them.

MS. LOCEY: So a lot of the concerns that were voiced this evening are planning board issues as opposed to zoning board?

MR. KRIEGER: Well, to a certain extent. However, you are charged with the responsibility in considering area variances, considering the character of the neighborhood so while you cannot, it is not proper to get into the details of a lighting scheme, when the question is raised, the question was raised the existence of any lighting at all is problematic that then becomes under the purview of character of the

neighborhood becomes a concern here. So if it's easier to see it this way you have a large picture concern once the large picture is, you have decided, then the planning board has the small picture concern but--

MS. LOCEY: Is the detailed concern.

MR. KANE: Exactly.

MR. KRIEGER: You have the if at all concern. The same would be true for instance of landscaping, if you make a determination that landscaping would be helpful, it is not within the power of this board or within its proper function to get into the details what kind of landscaping, how wide, how tall, what kind of vegetation, that sort of thing.

MR. TORPEY: Shouldn't that building be in that spot?

MR. KRIEGER: But now you're dealing with a if at all question.

MS. LOCEY: Does he mean should it be allowed on this parcel or do you mean should it be allowed where it's planned to be on that?

MR. KANE: The question becomes is that they can put any kind of storage unit on that parcel as long as it fits all of the requirements of square footage and offsets from the line then they're not here at all, they can build what they want, as they go get a permit because they're in that type of zone they're here because they want excess over what's allowable in that particular zone on that size parcel.

MR. KRIEGER: So, in other words, they're not applying for a use variance to use the property in some way that's not allowed, it's just the property is too small.

MS. LOCEY: The properties of William Eich and also Ronald Eaton they're on what's considered the side?

MR. BABCOCK: They're in an R-1 zone, the R-1.

MS. LOCEY: But their property is adjacent on the side of this parcel?

MR. BABCOCK: That's correct.

MS. LOCEY: So we're not looking at the side yard variance because they have enough?

MR. KANE: They have enough, we're looking at total area.

MS. LOCEY: So any variance that's, if this board chose to approve a variance well really doesn't affect the side yard requirements?

MR. KANE: No need right here for it.

MS. LOCEY: They're already in compliance.

MR. BABCOCK: Keep in mind when this lot was created in the OLI zone it had to meet the zoning for the planning board to create it so at one time it did. As the years go by, the zoning changes, so the gross lot area is because of zone has changed, not because of anything else. The lot area as far as net is because of the zoning change. The minimum lot width is a zoning change. This lot didn't change in size, this lot met the zoning when they created it. Today it doesn't meet the zoning because the zoning has changed over time.

MR. TORPEY: But is it zoned for a commercial building.

MR. BABCOCK: Yes, so the real parking requirement is the only thing that he's actually asking for that's not, that he's creating that's not already been created

by this lot being, existing, if that helps you.

MR. TORPEY: So these people are living next to a commercial piece of land that they can put buildings on?

MR. BABCOCK: That's correct, they're right on the zone, that's the line.

MR. KANE: That's where it becomes touchy.

MR. LUNDSTROM: Mr. Chairman, again, question to the building inspector. Mike, you said that the parking spaces, one of the variances that's needed is that considered a self-imposed hardship?

MR. BABCOCK: Well, they're required to have 38 spaces, what they're saying is that they don't need 38 spaces, they have run facilities like this before being at the planning board and at the workshops and listening to what they have told me they've got facilities like this and they don't feel that they need anywhere near that so they're proposing to have 12.

MR. KANE: So you have the black and white on how many size, the size property, how many spaces to go with that depending on square footage of the building then you have the gray area, what's their business, do they need to have 38 parking spaces, will they get people that will use that.

MR. TORPEY: Are these parking spaces going to be outside storage or places for people to park?

MR. BABCOCK: They're going to have 12 park spaces for customer parking and they're going to have 14 outside storage spaces in the rear and they're going to have 22 storage spaces on the opposite side of these residential houses which they can park motor homes and cars and boats and whatever just like the other guy

has.

MR. KRIEGER: Mr. Chairman, if I may, I think Mr. Lundstrom asked a question which probably I should properly address, and that is whether or not the application for parking spaces is a self-created hardship. The answer legally is yes because it is, it's something that doesn't exist and they're asking for it to exist. Yes, it is a self-created hardship because this is an area variance application, however, it is not a, it's a factor that the board can take into consideration but it need not. They're allowed to do that, whereas, if it were a use variance, it's an absolute bar, it isn't an absolute bar here but yes, it is a self-created hardship.

MS. GANN: Mike, the spots that are going to be used for boats, et cetera, where is that location, is it away from the road that people don't see it?

MR. BABCOCK: Yes, it's in the very back of the building along the back edge. Do you have one of these maps?

MS. GANN: Yes.

MR. ZIMMERMAN: It's along the rear here and along the side against the other storage units.

MR. LUNDSTROM: One further question that and again if it is not the purview of this board I will ask the attorney to say so but has the applicant or the owner of this property ever considered securing the advice of storm water management consultant and/or traffic consultant to address some of the concerns that were brought up here?

MR. ZIMMERMAN: Quite honestly, traffic had, we have been to the planning board I guess a couple times before being ready to come here and the idea of traffic

wasn't discussed at the planning board or with the consultants, not to say that it won't be. The issue of the drainage was discussed with the planning board and the planning board engineer and we have represented a conceptual plan if you will as to how we're going to handle it and if we do get back to the planning board then that issue will be dealt with on a more detailed basis with the planning board and their engineer.

MR. BABCOCK: Mr. Chairman, keep in mind this pipe that comes across the road and dumps water on their property is the water that's getting to everybody's property. What they propose to do is pick that water up through a swale on their property and bring it to the back. Right now, it's just going towards Mr. Eich and Mr. Eaton, that property is going this way, if you see the pipe that goes across the road so it's not their, it's not their water, the water that's coming across Toleman Road.

MR. KANE: But it's still water.

MR. BABCOCK: Yes, so by picking that up that, picking the 12 inch pipe and taking it to the back it can only help things as far as these gentlemen are concerned, I don't know if they've seen this plan or not. Do you see that, Eric?

MR. LUNDSTROM: If you would step up.

MS. GANN: We don't know where that is.

MR. KANE: Any further questions?

MS. LOCEY: No, thank you.

MR. KANE: If you're ready, I'll accept a proposal.

MS. LOCEY: I will offer a motion to grant the requested variances on the application of Jerry's

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Self-Storage for Jerry Sabini as listed on the New Windsor Zoning Board of Appeals agenda dated February 26, 2007.

MS. GANN: I'll second the motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	NO
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	NO

LESLIE_TOBACK_(FOR_WELLBACK_PROPERTIES,_INC.)_(07-02)

MR. KANE: Request for one additional freestanding 48 square foot sign at 388 Blooming Grove Turnpike.

Dr. and Mrs. Toback appeared before the board for this proposal.

MR. LUNDSTROM: If I may, Dr. Toback is a podiatrist for my mother, if the board would like me to recuse myself, I will.

MR. KANE: You feel you can be objective?

MR. LUNDSTROM: Yes.

MR. KANE: No problem. Thank you for clarifying. What you want to do, very similar to the preliminary, tell us what you want to do. Speak loud enough for that young lady to hear you.

MRS. TOBACK: I'm Leslie Toback, president of the Wellback Properties, Inc.

DR. TOBACK: Cliff Toback, vice president. And what we're proposing is a 4 foot by 6 foot freestanding sign on our property, it would be the second sign, the primary purpose for it is for Route 94 road frontage for the professional building behind us.

MR. KANE: The sign itself illuminated in any way?

MRS. TOBACK: No. It's on the corner of Route 94 and Oakwood.

MR. KANE: Not going to inhibit the view of any vehicles coming from either road?

MRS. TOBACK: No, we make a 4 x 6 board, plywood board sign there and took lots of pictures.

DR. TOBACK: We made sure when you're coming out when you get to the stop sign it's before the stop sign so when you get to 94 you can see both ways, it doesn't hinder, we don't want it hindering our sign either so it's actually more on the property than towards 94.

MR. KANE: That's the approximate size of the sign that you're going to be putting?

DR. TOBACK: Yes, we had it down.

MRS. TOBACK: Yes.

MR. KANE: Now for the dumb questions. Not cutting down any trees, substantial vegetation in putting it up?

MRS. TOBACK: No.

MR. KANE: Creating any water hazards or runoffs?

MRS. TOBACK: No.

MR. KANE: Sign isn't going on any easements?

MRS. TOBACK: No.

MR. KANE: Okay, any quick questions? At this point, I will ask if there's anybody in the audience for this particular hearing? Don't believe there is, so we'll close, open and close the public portion of the hearing and ask Myra how many mailings we had?

MS. MASON: On February 13, I mailed out 43 envelopes and had no response.

MR. KANE: Any further questions? I'll accept a motion.

MS. GANN: I'll make a motion that we grant Leslie Toback's request for one additional freestanding sign at the address stated on the Town of New Windsor Zoning Board of Appeals agenda for February 26, 2007.

MR. LUNDSTROM: I'll second that motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: Motion to adjourn?

MR. LUNDSTROM: So moved.

MS. GANN: Second it.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

Respectfully Submitted By:

Frances Roth
Stenographer